



June 10, 1999

Ms. Karen Southerland  
Acting Records System Supervisor  
City of Lubbock  
City Police Department  
Records Division  
P.O. Box 2000  
Lubbock, Texas 79457

OR99-1631

Dear Ms. Southerland:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126899.

The Lubbock Police Department (the "department") received a request for case report number 98-42659. You claim that the report is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents submitted.

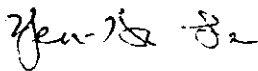
Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a), (b), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform us that the requested information pertains to an ongoing criminal investigation. We therefore believe that you may withhold the report under section 552.108(a)(1) as release of the information "would interfere with the detection, investigation, or prosecution of crime."

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the types of information that are considered to be front page offense report information, even if this information is not actually located on the front page of the offense report.<sup>1</sup>

Generally, when an offense report contains information about an alleged sexual assault, certain front page offense report information must be withheld on the basis of common-law privacy under section 552.101 of the Government Code. *See Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Normally, the private information that must be withheld is information tending to identify the sexual assault victim. *See* Open Records Decision Nos. 393 (1983), 339 (1982). Here, the requestor states that he represents the victim's family. If the requestor also represents the victim, then he has a special right of access pursuant to section 552.023 of the Government Code to information that is otherwise private. Thus, you must release the basic information to the requestor. However, if the requestor does not represent the victim, then you must withhold the information that tends to identify the victim under common-law privacy.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 126899

Encl: Submitted documents

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<sup>1</sup>Generally, basic information may not be withheld from public disclosure under section 552.103. Open Records Decision No. 362 (1983).

cc: Mr. Larry H. Ramos  
Global Security & Investigations  
524 W. Market Street  
San Antonio, Texas 78205  
(w/o enclosures)